

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 373

BY SENATORS WALTERS AND GAUNCH

[Introduced January 21, 2016;

Referred to the Committee on Education.]

1 A BILL to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended, relating
2 to granting full control of the board of Education Regional Education Service Agencies to
3 the state superintendent including selection of executive directors and support staff as well
4 as organization and operations of Regional Education Service Agencies.

Be it enacted by the Legislature of West Virginia:

1 That §18-2-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-26. Establishment of multicounty regional educational service agencies; purpose; authority of state board; governance; annual performance standards.

1 (a) *Legislative intent.* -- The intent of the Legislature in providing for establishment of
2 regional education service agencies, hereinafter referred to in this section as agency or agencies,
3 is to provide for high quality, cost effective education programs and services to students, schools
4 and school systems.

5 Since the first enactment of this section in 1972, the focus of public education has shifted
6 from a reliance on input models to determine if education programs and services are providing to
7 students a thorough and efficient education to a performance based accountability model which
8 relies on the following:

9 (1) Development and implementation of standards which set forth the things that students
10 should know and be able to do as the result of a thorough and efficient education including
11 measurable criteria to evaluate student performance and progress;

12 (2) Development and implementation of assessments to measure student performance
13 and progress toward meeting the standards;

14 (3) Development and implementation of a system for holding schools and school systems

accountable for student performance and progress toward obtaining a high quality education which is delivered in an efficient manner; and

(4) Development and implementation of a method for building the capacity and improving the efficiency of schools and school systems to improve student performance and progress.

(b) *Purpose.* -- In establishing the agencies the Legislature envisions certain areas of service in which the agencies can best assist the state board in implementing the standards based accountability model pursuant to subsection (a) of this section and, thereby, in providing high quality education programs. These areas of service include the following:

(1) Providing technical assistance to low performing schools and school systems;

(2) Providing high quality, targeted staff development designed to enhance the performance and progress of students in state public education;

(3) Facilitating coordination and cooperation among the county boards within their respective regions in such areas as cooperative purchasing; sharing of specialized personnel, communications and technology; curriculum development; and operation of specialized programs for exceptional children;

(4) Installing, maintaining and/or repairing education related technology equipment and software with special attention to the state level technology learning tools for public schools program;

(5) Receiving and administering grants under the provisions of federal and/or state law; and

(6) Developing and/or implementing any other programs or services as directed by law, the state board or the regional council.

(c) *State board rule.* -- The state board shall reexamine the powers and duties of the agencies in light of the changes in state level education policy that have occurred and shall establish multicounty regional education service agencies by rule, promulgated in accordance with the provisions of article three-b, chapter twenty-nine-a of this code.

41 The rule shall contain all information necessary for the effective administration and
42 operation of the agencies. In developing the rule, the state board may not delegate its
43 Constitutional authority for the general supervision of schools to the agencies, however, it may
44 allow the agencies greater latitude in the development and implementation of programs in the
45 service areas outlined in subsection (b) of this section with the exceptions of providing technical
46 assistance to low performing schools and school systems and providing high quality, targeted
47 staff development designed to enhance the performance and progress of students in state public
48 education. These two areas constitute the most important responsibilities for the agencies.

49 The rule establishing the agencies shall be promulgated before November 1, 2015, and
50 shall be consistent with the provisions of this section. It shall include, but is not limited to, the
51 following procedures:

52 (1) Providing for a uniform governance structure for the agencies containing at least these
53 elements:

54 (A) Selection by the state board of an executive director who shall be responsible for the
55 administration of his or her respective agency. The rule shall provide for the state board to select
56 the executive director only upon the nomination of one or more candidates by the regional council
57 of the agency. In case the board refuses to select any of the candidates nominated, the regional
58 council shall nominate others and submit them to the board. All candidates nominated must meet
59 the qualifications for the position established by the state board. Nothing shall prohibit the timely
60 employment of persons to perform necessary duties: Provided, That, beginning July 1, 2016, the
61 state superintendent is responsible for selection of an executive director as well as the hiring and
62 firing of all support staff for all regional education service agencies throughout the state: *Provided,*
63 *however, That beginning July 1, 2016, the state superintendent is also responsible for all facets of*
64 *organization and operations of all regional education service agencies throughout the state.*

65 (B) Development of a job description and qualifications for the position of executive
66 director, together with procedures for informing the public of position openings, for taking and

67 evaluating applications, for making nominations for these positions, and for annually evaluating
68 the performance of persons employed as executive director. The state board shall consult with
69 the regional councils on the development of the job description, qualifications and procedures;

70 (C) Provisions for the annual performance evaluation of the executive director that provide
71 for one half of the evaluation rating to be determined by the regional council;

72 (D) Provisions for the agencies to employ other staff, as necessary, with the approval of
73 the state board and upon the recommendation of the executive director: *Provided*, That prior to
74 July 1, 2003, no person who is an employee of an agency on the effective date of this section
75 may be terminated or have his or her salary and benefit levels reduced as the sole result of the
76 changes made to this section or by state board rule;

77 (E) Appointment by the county boards of a regional council in each agency area consisting
78 of representatives of county boards and county superintendents from within that area for the
79 purpose of advising, assisting and informing the executive director in carrying out his or her duties
80 to achieve the purposes of this section and provide educational services to the county school
81 systems within the region. The state board may provide for membership on the regional council
82 for representatives from other agencies and institutions who have interest or expertise in the
83 development or implementation of regional education programs; and

84 (F) Selection by the state superintendent of a representative from the state Department of
85 Education to serve on each regional council. These representatives shall meet with their
86 respective regional councils at least quarterly;

87 (2) Establishing statewide standards by the state board for service delivery by the
88 agencies. These standards may be revised annually and shall include, but are not limited to,
89 programs and services to fulfill the purposes set forth in subsection (b) of this section;

90 (3) Establishing procedures for developing and adopting an annual basic operating budget
91 for each agency and for other budgeting and accounting procedures as the state board may
92 require;

(4) Establishing procedures clarifying that agencies may acquire and hold real property;

(5) Dividing the state into appropriate, contiguous geographical areas and designating an agency to serve each area. The rule shall provide that each of the state's counties is contained within a single service area and that all counties located within the boundaries of each agency, as determined by the state board, shall be members of that agency; and

(6) Such other standards or procedures as the state board finds necessary or convenient.

(d) *Regional services.* -- In furtherance of the purposes provided for in this section, the state board and the regional council of each agency shall continually explore possibilities for the delivery of services on a regional basis which will facilitate equality in the education offerings among counties in its service area, permit the delivery of high quality education programs at a lower per student cost, strengthen the cost effectiveness of education funding resources, reduce administrative and/or operational costs, including the consolidation of administrative, coordinating and other county level functions into region level functions, and promote the efficient administration and operation of the public school systems generally.

Technical, operational, programmatic or professional services are among the types of services appropriate for delivery on a regional basis. Nothing in this section prohibits regional education service agencies from cooperating, sharing or combining services or programs with each other, at their discretion, to further the purposes of this section.

(e) *Virtual education.* -- The state board, in conjunction with the various agencies, shall develop an effective model for the regional delivery of instruction in subjects where there exists low student enrollment or a shortage of certified teachers or where the delivery method substantially improves the quality of an instructional program. The model shall incorporate an interactive electronic classroom approach to instruction. To the extent funds are appropriated or otherwise available, county boards or regional education service agencies may adopt and utilize the model for the delivery of the instruction.

(f) *Computer information system.* -- Each county board of education shall use the

statewide electronic information system established by the state board for data collection and reporting to the state Department of Education.

(g) *Reports and evaluations.* -- Each agency shall submit to the state superintendent on such date and in such form as specified in the rules adopted by the state board a report and evaluation of the technical assistance and other services provided and utilized by the schools within each respective region and their effectiveness. Additionally, any school may submit an evaluation of the services provided by the agency to the state superintendent at any time. This report shall include an evaluation of the agency program, suggestions on methods to improve utilization and suggestions on the development of new programs and the enhancement of existing programs. The reports and evaluations submitted pursuant to this subsection shall be submitted to the state board and shall be made available upon request to the standing committees on education of the West Virginia Senate and House of Delegates and to the secretary of education and the arts.

(h) *Funding sources.* -- An agency may receive and disburse funds from the state and federal governments, from member counties, or from gifts and grants.

(i) *Employee expenses.* -- Notwithstanding any other provision of this code to the contrary, employees of agencies shall be reimbursed for travel, meals and lodging at the same rate as state employees under the travel management office of the Department of Administration.

A county board member may not be an employee of an agency.

(j) *Meetings and compensation.* --

(1) Agencies shall hold at least one half of their regular meetings during hours other than those of a regular school day. The executive director of each agency shall attend at least one meeting of each of the member county boards of education each year to explain the agency's services, garner suggestions for program improvement and provide any other information as may be requested by the county board.

(2) Notwithstanding any other provision of this code to the contrary, county board

145 members serving on regional councils may receive compensation at a rate not to exceed \$100
146 per meeting attended, not to exceed fifteen meetings per year. County board members serving
147 on regional councils may be reimbursed for travel at the same rate as state employees under the
148 rules of the travel management office of the Department of Administration.

NOTE: The purpose of this bill is to grant full control of the board of Education Regional Education Service Agencies to the state superintendent including the selection of executive directors and support staff as well as the organization and operations of the Regional Education Service Agencies.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.